

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Alanna Dunn, *et al.*

Plaintiffs

v.

Cuyahoga County, *et al.*

Defendants

Case No. 1:23-cv-00364

Judge Bridget Meehan Brennan

PLAINTIFFS' MOTION TO EXCLUDE EXPERT REPORTS OF DR. SEAN MALONE

Plaintiffs, by their undersigned counsel, hereby move to exclude the expert reports of Dr. Sean Malone on behalf of Defendant Cuyahoga County, dated March 3, 2025 (ECF 50-3) and March 19, 2025 (ECF 50-4). Dr. Malone's expert reports are material to Plaintiffs' class certification motion because they purport to rebut the Time to Release analysis and conclusions proffered by Plaintiff's expert, Lacey Keller, in support of class certification and because Defendant relies on Dr. Malone's reports to support its argument that individual issues preclude class certification. Accordingly, Defendant must be able to demonstrate that Dr. Malone and his testimony are sufficiently credible and reliable to satisfy a *Daubert* analysis. *In re Nissan N. Am., Inc. Litig.*, 122 F.4th 239, 253 (6th Cir. 2024) As further detailed in Plaintiffs' accompanying memorandum, Defendant cannot satisfy its burden because most of Dr. Malone's testimony constitutes legal arguments and conclusions that he is not qualified to provide and that will not help the Court assess class certification. Further, none of Dr. Malone's testimony is reliable because he did not utilize any principles or methods to conclude that Keller's analysis is flawed.

WHEREFORE, because they fail to satisfy the first, third and fourth requirements of Federal Rule of Evidence 702 and are accordingly inadmissible, Plaintiffs respectfully request that the Court exclude the expert reports of Dr. Sean Malone.

Dated: May 15, 2025

Respectfully submitted,

/s/ Kate Schwartz

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